

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 14-cr-20241
Hon. Matthew F. Leitman

v.

DARRELL JOHNSON,

Defendant.

/

**ORDER DENYING DEFENDANT'S SECOND MOTION
TO ALTER OR AMEND JUDGMENT (ECF #138)**

On December 4, 2014, a jury found Defendant Darrell Johnson guilty of being a felon in possession of a firearm. After Johnson exhausted his appeals of that conviction, he filed a motion in this Court to vacate or correct his sentence pursuant to 28 U.S.C. § 2255 (the “Section 2255 Motion”). (*See* ECF #126.) Before the time for Johnson to file a reply brief had expired, the Court denied the Section 2255 Motion by written order dated March 26, 2018. (*See* ECF #134.) Johnson thereafter filed a reply brief. (*See* ECF #135.)

On April 17, 2018, Johnson filed a motion to alter or amend the Court’s March 26, 2018, ruling pursuant to Rule 59(e) of the Federal Rules of Civil Procedure (the “Rule 59 Motion”). (*See* ECF #136.) In that motion, Johnson argued, among other things, that the Court erred in denying the Section 2255 Motion before reviewing his

reply brief. (*See id.* at Pg. ID 1910.) In an order dated April 19, 2018, the Court denied Johnson's Rule 59 motion. (*See* ECF #137.) In the order, the Court explained, among other things, that it had reviewed Johnson's reply brief in support of the Section 2255 Motion and that its decision to deny that motion would have been the same even if the Court had reviewed the reply brief before denying the motion. (*See id.* at Pg. ID 1917.)

Johnson has now filed a second motion to alter or amend the Court's March 26, 2018, ruling pursuant to Rule 59(e). (*See* ECF #138.) He again argues that the Court erred in denying the Section 2255 Motion before reviewing his reply brief. The Court has already addressed and rejected that argument. Moreover, none of the other arguments in Johnson's second Rule 59 motion warrant relief.

Accordingly, the Court **DENIES** Johnson's second Rule 59 motion.

IT IS SO ORDERED.

s/Matthew F. Leitman
MATTHEW F. LEITMAN
UNITED STATES DISTRICT JUDGE

Dated: May 1, 2018

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on May 1, 2018, by electronic means and/or ordinary mail.

s/Holly A. Monda

Case Manager

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